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8 **BEFORE THE**
9 **CALIFORNIA BOARD OF ACCOUNTANCY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. AC-2013-4

13
14 **ERIC DANIELSON JENSEN**
15 **22647 Ventura Boulevard, #172**
16 **Woodland Hills, CA 91364**
17 **Certified Public Accountant Certificate No.**
18 **47162**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

19
20 Respondent.

21 **FINDINGS OF FACT**

22 1. On or about September 11, 2012, Complainant Patti Bowers, in her official capacity
23 as the Executive Officer of the California Board of Accountancy, Department of Consumer
24 Affairs, filed Accusation No. AC-2013-4 against Eric Danielson Jensen (Respondent) before the
25 California Board of Accountancy. Accusation No. AC-2013-4 is attached as Exhibit 1 to the
26 Default Decision Investigatory Evidence Packet and is herein incorporated by reference.

27 2. On or about January 30, 1987, the California Board of Accountancy ("CBA") issued
28 Certified Public Accountant Certificate No. 47162 to Respondent. The Certified Public

1 Accountant Certificate was in full force and effect at all times relevant to the charges brought in
2 Accusation No. AC-2013-4 and will expire on October 31, 2012, unless renewed.

3 3. On or about September 18, 2012, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. AC-2013-4, Statement to Respondent, Notice of Defense,
5 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
6 and 11507.7) at Respondent's address of record which, pursuant to California Code of
7 Regulations, title 16, section 3, is required to be reported and maintained with the CBA.
8 Respondent's address of record with CBA was and is:

9 **22647 Ventura Boulevard, #172**
10 **Woodland Hills, CA 91364.**

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

13 5. The Domestic Return Receipt was returned to CBA indicating that the
14 aforementioned documents were delivered on September 20, 2012.

15 6. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent
17 files a notice of defense, and the notice shall be deemed a specific denial of all parts
18 of the accusation not expressly admitted. Failure to file a notice of defense shall
19 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
20 may nevertheless grant a hearing.

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
23 AC-2013-4.

24 8. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions
27 or upon other evidence and affidavits may be used as evidence without any notice to
28 respondent.

9 Pursuant to its authority under Government Code section 11520, the CBA finds
Respondent is in default. The CBA will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter;

1 as well as taking official notice of all the investigatory reports, exhibits and statements contained
2 therein on file at the CBA's offices regarding the allegations contained in Accusation No. AC-
3 2013-4, finds that the charges and allegations in Accusation No. AC-2013-4, are separately and
4 severally, found to be true and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 5107, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$3,447.90 as of October 15, 2012.

8 **DETERMINATION OF ISSUES**

9 1. Based on the foregoing findings of fact, Respondent Eric Danielson Jensen has
10 subjected his Certified Public Accountant Certificate No. 47162 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The California Board of Accountancy is authorized to revoke Respondent's Certified
13 Public Accountant Certificate based upon the following violations alleged in the Accusation
14 which are supported by the evidence contained in the Default Decision Evidence Packet in this
15 case.:

16 a. **Failed to Return Records to Client.** Respondent is subject to disciplinary
17 action under Code sections 5037, subdivision (b) and 5100, subdivision (g), and California Code
18 of Regulations title 16, section 68, for willfully failing to return a client's file upon request and
19 reasonable notice.

20 b. **Failed to Reply to Board Inquiry.** Respondent is subject to disciplinary action
21 under Code section 5100, subdivision (g), and California Code of Regulations title 16, section 52,
22 subdivision (a), for willfully failing to reply to the Board's inquiry.

23 c. **Failed to Reply to Board Subpoena.** Respondent is subject to disciplinary
24 action under Code section 5100, subdivision (g), and California Code of Regulations title 16,
25 section 52, subdivision (b), for willfully failing to reply to the Board's subpoena.

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ORDER

IT IS SO ORDERED that Certified Public Accountant Certificate No. 47162, heretofore issued to Respondent Eric Danielson Jensen, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 26, 2012.

It is so ORDERED November 26, 2012.



FOR THE CALIFORNIA BOARD OF
ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS

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1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. AC-2013-4

11 **ERIC DANIELSON JENSEN**
12 **22647 Ventura Boulevard, #172**
13 **Woodland Hills, CA 91364**

A C C U S A T I O N

14 **Certified Public Accountant Certificate No.**
15 **47162**

Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Patti Bowers ("Complainant") brings this Accusation solely in her official capacity as
20 the Executive Officer of the California Board of Accountancy, Department of Consumer Affairs.

21 2. On or about January 30, 1987, the California Board of Accountancy ("Board") issued
22 Certified Public Accountant Certificate Number 47162 to Eric Danielson Jensen ("Respondent").
23 The Certified Public Accountant Certificate was in full force and effect at all times relevant to the
24 charges brought herein and will expire on October 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the California Board of Accountancy, Department
27 of Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code ("Code") unless otherwise indicated.

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6. Code section 5109 states:

"The expiration, cancellation, forfeiture, or suspension of a license, practice privilege, or other authority to practice public accountancy by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of or action or disciplinary proceeding against the licensee, or to render a decision suspending or revoking the license.

REGULATORY PROVISIONS

7. California Code of Regulations title 16, section 52 states:

"(a) A licensee shall respond to any inquiry by the Board or its appointed representatives within 30 days. The response shall include making available all files, working papers and other documents requested.

(b) A licensee shall respond to any subpoena issued by the Board or its executive officer or the assistant executive officer in the absence of the executive officer within 30 days and in accordance with the provisions of the Accountancy Act and other applicable laws or regulations.

(c) A licensee shall appear in person upon written notice or subpoena issued by the Board or its executive officer or the assistant executive officer in the absence of the executive officer.

(d) A licensee shall provide true and accurate information and responses to questions, subpoenas, interrogatories or other requests for information or documents and not take any action to obstruct any Board inquiry, investigation, hearing or proceeding."

8. California Code of Regulations title 16, section 68 states:

"A licensee, after demand by or on behalf of a client, for books, records or other data, whether in written or machine sensible form, that are the client's records shall not retain such records. Unpaid fees do not constitute justification for retention of client records.

Although, in general the accountant's working papers are the property of the licensee, if such working papers include records which would ordinarily constitute part of the client's books and records and are not otherwise available to the client, then the information on those working papers must be treated the same as if it were part of the client's books and records."

COST RECOVERY

9. Section 5107(a) of the Code states:

“The executive officer of the board may request the administrative law judge, as part of the proposed decision in a disciplinary proceeding, to direct any holder of a permit or certificate found to have committed a violation or violations of this chapter to pay to the board all reasonable costs of investigation and prosecution of the case, including, but not limited to, attorneys' fees. The board shall not recover costs incurred at the administrative hearing.”

FIRST CAUSE FOR DISCIPLINE

(Failed to Return Records to Client)

10. Respondent is subject to disciplinary action under Code sections 5037, subdivision (b) and 5100, subdivision (g), and California Code of Regulations title 16, section 68, for willfully failing to return a client's file upon request and reasonable notice. The conduct is more particularly described as follows:

11. On or about March 2009, Respondent was retained by the daughter of Maya Snowden to prepare the final tax return for Maya Snowden who was recently deceased.

12. Before April 15, 2009, the daughter of Maya Snowden contacted Respondent regarding the status of filing the return. After receiving various reasons for the delay in processing the return, the daughter of Maya Snowden requested the tax documents be returned.

13. When the daughter of Maya Snowden was unsuccessful at obtaining the tax return documents from Respondent, she enlisted the assistance of another certified public accountant (“CPA”).

14. The new CPA was unsuccessful in obtaining Maya Snowden's tax documents from the Respondent until October of 2009. At that time, the new CPA discovered that Respondent had not filed an extension to file the tax return. As a result of the late filing of Mrs. Snowden's final 2008 individual income tax return, Ms. Snowden received tax notices with penalty and interest assessments of \$5,069.36 and \$524.30, respectively.

1 15. On or about February 19, 2010, the daughter of Maya Snowden filed a complaint
2 with the Board.

3 16. On or about March 30, 2010, the Board sent Respondent an inquiry requesting
4 documentation and information concerning Maya Snowden's tax return. Respondent did not
5 respond to the inquiry.

6 17. On or about July 14, 2010, the Board issued a subpoena to the Respondent for the
7 production of tax materials relating to Maya Snowden. Respondent did not respond to the
8 subpoena.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Failed to Reply to Board Inquiry)**

11 18. Respondent is subject to disciplinary action under Code section 5100, subdivision
12 (g), and California Code of Regulations title 16, section 52, subdivision (a), for willfully failing to
13 reply to the Board's inquiry. The conduct is more particularly described in paragraphs 11 through
14 17, inclusive, above, and herein incorporated by reference.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Failed to Reply to Board Subpoena)**

17 19. Respondent is subject to disciplinary action under Code section 5100, subdivision
18 (g), and California Code of Regulations title 16, section 52, subdivision (b), for willfully failing to
19 reply to the Board's subpoena. The conduct is more particularly described in paragraphs 11
20 through 17, inclusive, above, and herein incorporated by reference.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the California Board of Accountancy issue a decision:

4 1. Revoking or suspending or otherwise imposing discipline upon Certified Public
5 Accountant Certificate Number 47162, issued to Eric Danielson Jensen;

6 2. Ordering Eric Danielson Jensen to pay the California Board of Accountancy the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 5107;

9 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: 9-11-2012



13 PATTI BOWERS
14 Executive Officer
15 California Board of Accountancy
16 Department of Consumer Affairs
State of California
Complainant

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